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Welch Foods Inc., A Cooperative  
and The Promotion In Motion Companies, Inc.*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

LAUREN HALL, on behalf of herself and  
others similarly situated,

Plaintiff,

v.

WELCH FOODS, INC., A  
COOPERATIVE and THE PROMOTION  
IN MOTION COMPANIES, INC,

Defendants.

Civil Action No. 2:17-cv-03997

**REPLY DECLARATION OF  
MATTHEW M. GURVITZ IN  
FURTHER SUPPORT OF  
DEFENDANTS' MOTION TO  
TRANSFER VENUE  
PURSUANT TO 28 U.S.C. §  
1404(a)**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I am an associate at the law firm of Venable LLP, outside national counsel for Defendants Welch Foods Inc., A Cooperative (“Welch’s”) and The Promotion In Motion Companies, Inc. (“PIM”) in the above-captioned action and counsel of record for Welch’s and PIM in a virtually identical class action lawsuit

pending in the Eastern District of New York. Unless otherwise stated, matters referred to in this declaration are based on my personal knowledge, and if called to testify as a witness, I could and would testify competently to the facts set forth herein.

2. On September 18, 2015, plaintiffs Aliza Atik and Winnie Lau, purportedly on behalf of themselves and all others similarly situated, filed a complaint against Defendants Welch's and PIM in the Eastern District of New York, Atik v. Welch Foods Inc. et al, Case No. 15-cv-5405 (E.D.N.Y. 2015) ("Atik" or "New York Action").

3. Plaintiffs in the New York Action are being represented by Kim Richman of Richman Law Group, and Stephen Gardner and Amanda Howell of Stanley Law Group. Id.

**Discovery in the New York Action.**

4. As would be expected for a matter pending for almost two years, Defendants have engaged in significant pleading challenges and the parties have engaged in substantial fact discovery in the New York Action.

5. First, all of Defendants' pleading challenges have been resolved and the New York Action has proceeded with its operative complaint.

6. The parties have also engaged in significant and costly discovery regarding the allegations in the New York Action, including collecting and producing significant electronically-stored information.

7. Plaintiffs in the New York Action have already deposed several of PIM's witnesses.

8. Defendant PIM produced all of its non-privileged responsive documents in Atik, and Defendant Welch's will be producing its non-privileged responsive documents imminently.

9. I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 31<sup>st</sup> day of July, 2017 in Los Angeles, California.

  
MATTHEW M. GURVITZ